

MINUTES - CITY OF BEAUMONT

W.L. Pate, Jr., At-Large

Dr. Alan B. Coleman, Mayor Pro Tem

Audwin Samuel, Ward III

Tyrone E. Cooper, City Attorney

BECKY AMES, MAYOR

CITY COUNCIL MEETING

October 28, 2014

Kyle Hayes, City Manager

Gethrel Wright, At-Large

Michael D. Getz, Ward II

Jamie Smith, Ward IV

Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on **October 28, 2014**, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

OPENING

- * Invocation Pledge of Allegiance Roll Call
- * Presentations and Recognition
- * Public Comment: Persons may speak on scheduled agenda items 6-7/Consent Agenda
- * Consent Agenda

Mayor Ames called the council meeting to order at 1:30 p.m.

Pastor Ralph Perkins, Associate Pastor of the House of Prayer Missionary Baptist Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

Present at the meeting were Mayor Ames, Mayor Pro Tem Coleman, Councilmembers Getz, Wright, Pate and Smith. Absent: Councilmember Samuel. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Councilmember Samuel was absent due to work.

Proclamations, Presentations, Recognitions

Presentations (3)

Sherry Ulmer, Public Health Director, City of Beaumont, spoke regarding Ebola Preparations

Becky Stedman, spoke regarding the Farmer's Market

Jean Moncla, Vice President and Trust Officer, Wealth and Asset Management with Capital One Bank

Proclamation

"National Adoption Day" - October 29, 2014 - Proclamation read by Councilmember Smith; accepted by Shari Pulliam, Media Specialist Region 4/5, Texas Department of Family and Protective Services

Public Comment: Persons may speak on scheduled agenda items 6-7/Consent Agenda.

Fabian T. Moya

5480 Washington Blvd.

Beaumont TX

Spoke in regards to Item F on the Consent Agenda; terminating a contract with CIMA Utility of Beaumont for mowing privately-owned developed and vacant properties and awarding the contract to Texas Institute of the Blind and Handicapped Industries, asked that Council give him an opportunity to fulfill his contract, has had some problems with employees and equipment, stated that he has gotten things straightened out and employees are out mowing on today to catch up

CONSENT AGENDA

- * Approval of minutes - **October 14, 2014**
- * Confirmation of committee appointments - **None**
- A) Authorize the City Manager to execute a new lease agreement with the Texas Energy Museum – **Resolution 14 - 229**
- B) Authorize the City Manager to execute all documents necessary to accept funding from The Texas Department of State Health Services awarded to the Beaumont Public Health Department's WIC Division – **Resolution 14 - 230**
- C) Authorize the City Manager to amend a contract with the Texas Department of Housing and Community Affairs for FY 2013 Emergency Solutions Grant (ESG) funds – **Resolution 14 - 231**
- D) Approve a change order to the contract with Allco, LLC, related to the Grit Pump Replacement – Wastewater Treatment Plant Project – **Resolution 14 - 232**
- E) Approve a resolution accepting the Certified Tax Roll Summary for the tax year 2014 (fiscal year 2015) – **Resolution 14 - 233**
- F) Approve a resolution terminating a contract with CIMA Utility of Beaumont for mowing privately-owned developed and vacant properties and awarding a contract to Texas Institute of the Blind and Handicapped Industries for the same – **Resolution 14 - 234**
- G) Approve the payment of \$650 to settle outstanding liens for litter and weed abatement on property at 2400 Rusk Street, legally described as Oaks L18 B14 – **Resolution 14 - 235**

Mayor Pro Tem Coleman moved to approve the Consent Agenda. Councilmember Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE AND SMITH

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider an ordinance for a zone change from A-R (Agricultural-Residential) to RM-H (Residential Multiple Family Dwelling-Highest Density) or a more restrictive zoning zoning district at 4525 N. Major Drive.

Phuc N. Le has applied for a zone change.

Mr. Le is purchasing the property from Ms. Linda Chester who represents the estate of Leroy Minton. The 4.981 acre tract is located at 4525 N. Major Drive. Once the property has been purchased, Mr. Le plans to construct a new apartment complex.

At a Joint Public Hearing held October 20, 2014, the Planning Commission recommended 5:0 to approve a zone change from A-R (Agricultural-Residential) to RM-H (Residential Multiple Family Dwelling-Highest Density) District at 4525 N. Major Drive.

Approval of ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF BEAUMONT, TEXAS, AND IN PARTICULAR THE BOUNDARIES OF THE ZONING DISTRICTS, AS INDICATED UPON THE ZONING MAP OF BEAUMONT, TEXAS, BY CHANGING THE ZONING OF PROPERTY PRESENTLY ZONED A-R (AGRICULTURAL-RESIDENTIAL) DISTRICT TO RM-H (RESIDENTIAL MULTIPLE FAMILY DWELLING – HIGHEST DENSITY) DISTRICT FOR PROPERTY LOCATED AT 4525 N. MAJOR DRIVE, BEAUMONT, JEFFERSON COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING A PENALTY.** Mayor Pro Tem Coleman seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 - 054

2. Consider an ordinance for a specific use permit to allow a gift shop and gaming room in an NC (Neighborhood Commercial) District at 3890 Highland Avenue.

Andy D. Phan has applied for a specific use permit.

Mr. Phan would like to operate a gift shop and gaming facility containing 32 eight-liner machines at 3890 Highland Avenue. Customers would only be able to receive gifts under \$5 in value, as prizes. Hours of operation will be from 10 a.m. until 9 p.m., Monday through Friday and 12 p.m. through 6 p.m. on Sunday. The store will be closed on Saturday.

As long as the game room does not exceed 35% of the gross floor area, parking will be sufficient. If parking should exceed 35% of the gross floor area, parking will need to be increased for the use to be in compliance.

At a Joint Public Hearing held October 20, 2014, the Planning Commission recommended 4:1 to approve a specific use permit allowing a gift shop and gaming room in an NC (Neighborhood Commercial) District at 3890 Highland Avenue, subject to the following condition:

- 1) As long as the game room does not exceed 35% of the gross floor area, parking will be sufficient. If parking should exceed 35% of the gross floor area, parking will need to be increased for the use to be in compliance.

Approval of ordinance.

Mayor Pro Tem Coleman moved to **ADOPT AN ORDINANCE A GRANTING A SPECIFIC USE PERMIT TO ALLOW A GIFT SHOP AND GAMING ROOM IN AN NC (NEIGHBORHOOD COMMERCIAL) DISTRICT AT 3890 HIGHLAND AVENUE IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS WITH THE CONDITIONS.** Councilmember Getz seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, AND PATE

NAYS: COUNCILMEMBER SMITH

ABSTAIN: COUNCILMEMBER WRIGHT

MOTION PASSED

Ordinance 14 - 055

3. Consider an ordinance for a specific use permit to allow a behavioral and academic center/secondary school in a GC-MD (General Commercial-Multiple Family Dwelling) District at 4960 Washington Boulevard.

Jennifer Ford, C.E.O. of Starpoint Educational Enrichment Center, L.L.C., requested a specific use permit.

Ms. Ford would like to utilize the property as a behavioral and academic center/secondary school offering behavioral therapies for students ages 3-21 who are diagnosed with Autism Spectrum Disorder (ASD) and other neurological or cognitive syndromes, as well as a general education Pre-K Program. The proposed use will employ eight (8) teachers/teacher assistants, one (1) nurse and six (6) administrative staff. The facility will serve 112 students. Hours of operation will be 8 a.m. to 6 p.m. Monday through Friday.

At last months' meeting, a discussion arose regarding access and circulation of traffic. Further review of the parking lot has brought a concern to the efficient movement of vehicles in and out of the area. With the arrangement of parking stalls and the proposed parallel parking along the fence opposite the parking lot it would be very difficult and unsafe for 100 vehicles to enter and exit the property without a turnaround in place already. It is possible that the paved area beyond the gates could be utilized as such an area, however, this area has been designated as an outdoor play area for the school children, a use that conflicts permitting traffic to circulate within the property. A second concern would be congestion that could cause lines of vehicles parked along Washington Boulevard during peak traffic flow.

At a Joint Public Hearing held October 20, 2014, the Planning Commission recommended 5:0 to deny a specific use permit to allow a behavioral and academic center/secondary school in a GC-MD (General Commercial-Multiple Family Dwelling) District at 4960 Washington Boulevard.

Denial of ordinance.

Councilmember Wright moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE DENYING A SPECIFIC USE PERMIT TO ALLOW A BEHAVIORAL AND ACADEMIC CENTER/SECONDARY SCHOOL IN AN GC-MD (GENERAL COMMERCIAL - MULTIPLE FAMILY DWELLING) DISTRICT AT 4960 WASHINGTON BOULEVARD IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Mayor Pro Tem Coleman seconded the motion.

AYES:	MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS WRIGHT, PATE AND SMITH
NAYS:	NONE
ABSTAIN:	COUNCILMEMBER GETZ

MOTION DENIED

4. Consider an ordinance approving the revocation of a specific use permit to allow antique furniture restoration in an RCR-H (Residential Conservation and Revitalization-Historic) District at 1801 North Street.

The City of Beaumont Planning Division has applied for the revocation of a specific use permit.

In August, 2012, the City Council approved a specific use permit to Mr. Rodney Cooley to allow antique furniture restoration at 1801 North Street with the condition that he:

1. Replace the 6' tall wood screening fence missing along the west property line and install a 4' tall wood screening fence or a 6' wide landscape bed along the west 26' of the north property line.

A recent inspection of the property showed that the condition had not been met. Mr. Cooley was notified of the violation, but failed to bring the property into compliance. On September 30, 2014, a certified letter was sent to Mr. Cooley notifying him of this impending hearing to revoke the specific use permit.

This property has been an issue for some time now. Beginning in early 2013, Mr. Cooley was notified that he had not completed a Certificate of Occupancy. Since then charges have been filed for two separate counts of failure to obtain a Certificate of Occupancy and comply with the specific use permit condition as well as one count of furniture kept outside. To date, Mr. Cooley has refused to pay a fine or appear before Municipal Court. Water records show that Mr. Cooley has never opened an account with the water department, however he continues to place heavy trash at the curb for pick-up. The attached inspection report shows the scope of work involved. Revocation of this specific use permit would be one additional tool to obtain compliance for the specific use permit requirements.

At a Joint Public Hearing held October 20, 2014, the Planning Commission recommended 5:0 to approve the revocation of a specific use permit to allow antique furniture restoration in an RCR-H (Residential Conservation and Revitalization-Historic) District at 1801 North Street.

Approval of ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE APPROVING THE REVOCATION OF A SPECIFIC USE PERMIT WHICH ALLOWED AN ANTIQUE FURNITURE RESTORATION USE IN AN RCR-H (RESIDENTIAL CONSERVATION AND REVITALIZATION- HISTORIC) DISTRICT AT 1801 NORTH STREET IN THE CITY OF BEAUMONT, JEFFERSON COUNTY, TEXAS.** Councilmember Smith seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 – 056

PUBLIC HEARING

- * Receive comments on allowing the Mission Economic Development Corporation in Mission, Texas to issue Solid Waste Disposal Revenue Bonds, Series 2014 in an estimated amount not to exceed \$100 million to finance waste to energy facilities to be located at or near the Beaumont city landfill

Open: 2:13 p.m.

None

Close: 2:13 p.m.

5. Consider an ordinance allowing the Mission Economic Development Corporation in Mission, Texas to issue Solid Waste Disposal Revenue Bonds, Series 2014 in an estimated amount not to exceed \$100 million to finance waste to energy facilities to be located at or near the Beaumont city landfill.

On August 12, 2014, the City Council approved an ordinance for the issuance of Solid Waste Disposal Revenue Bonds Series 2014 for the benefit of Fair Energy Operations/Beaumont, LLC in the amount of \$50 million. Since that time, circumstances have changed and the total amount of the revenue bond offering is now \$100 million in order to finance facilities in Beaumont and Angleton, Texas.

Mission Economic Development Corporation (MEDC) in Mission, Texas will continue to serve as the governmental issuer of the bonds. However, it remains necessary to obtain the consent of the governing body where the facilities will be located. As was indicated previously, the granting of approval by the City Council does not obligate the City in any way with respect to the bonds or the facility, or to otherwise assume any liability with respect to the issuance of the bonds.

State law and federal tax law requires a public hearing be conducted to allow comments with respect to the project and issuance of the Series 2014 revenue bonds.

Approval of ordinance.

Councilmember Pate moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE THAT THE CITY COUNCIL AS THE “APPLICABLE ELECTED REPRESENTATIVE” IS ALSO REQUIRED IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2014 BONDS IN ORDER TO SATISFY THE REQUIREMENTS OF SECTION 147(F) OF THE INTERNAL REVENUE CODE AND THE CITY COUNCIL DESIRES HEREBY TO GIVE SUCH APPROVAL.** Councilmember Smith seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 – 057

6. Consider an ordinance denying the Entergy Texas Application for a Distribution Cost Recovery Factor rate increase on file with the City of Beaumont.

On or about September 18, 2014, Entergy Texas filed with each city in its service area an Application for Approval of a Distribution Cost Recovery Factor (DCRF). Entergy has also filed the same application with the Public Utility Commission of Texas covering its customers located outside the Cities' boundaries. Entergy is requesting the implementation of a rider that would collect approximately \$7 million in additional annual revenue to cover increased distribution expenses. Residential customers would be charged approximately \$4.5 million or 64% of the requested increase, which amounts to approximately \$0.78 per month for an average residential customer using 1000 kWh per month. The cities' retained utilities attorney and rate consultants have analyzed this request and are recommending denial of the application. The reason for denial is based primarily on the fact that the proposed adjustments are inconsistent with the directives of the PUC as it pertains to a DCRF. The Public Utilities Commission developed a detailed formula that utilities must follow when calculating the revenue requirements for a DCRF. The preliminary findings of the rate consultants indicate that both of the adjustments proposed by Entergy do not conform with the mandated formula. This deviation in calculations results in an overstatement of the need for the requested DCRF rate increase. Denial of the application by the cities would allow for the appeal to the PUCT for a full review and ultimate resolution.

Approval of ordinance.

Councilmember Smith moved to **ADOPT AN ORDINANCE ENTITLED AN ORDINANCE BY THE CITY OF BEAUMONT, TEXAS ("CITY") DENYING THE DISTRIBUTION COST RECOVERY FACTOR RATE INCREASE REQUEST OF ENTERGY TEXAS, INC. FILED ON SEPTEMBER 18, 2014; SETTING JUST AND REASONABLE RATES FOR ENTERGY TEXAS, INC. FOR SERVICE WITHIN THE MUNICIPAL LIMITS; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS.** Councilmember Wright seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE AND SMITH

NAYS: NONE

MOTION PASSED

Ordinance 14 – 058

WORK SESSION

- * Review and discuss proposed changes to rental rates charged at various Event Facilities

Kyle Hayes, City Manager discussed the proposed changes to rental rates charged at various Event Facilities. There was discussion of prices to be implemented from the current fee to a new fee for the Civic Center, Julie Rogers Theatre, Jefferson Theatre, Event Centre, Great Lawn, Riverfront Park, John Paul Davis Community Center and the Showmobile for commercial and noncommercial fees.

COUNCILMEMBER COMMENTS

COUNCILMEMBER SMITH -

COMMENTED ON THE BUDDY WALK THAT TOOK PLACE AT THE EVENT CENTRE, LEGACY'S CHILI COOK OFF WHICH WAS VERY WELL ATTENDED, LU'S HOMECOMING THIS WEEKEND, BPD AND THE STERLING PRUITT WILL BE HAVING THE TRUNK OR TREAT ON FRIDAY, THANKED SHERRY ULMER FOR THE EBOLA UPDATE, EARLY VOTING IS STILL GOING ON UNTIL OCTOBER 31, 2014 AND ELECTION DAY IS NOVEMBER 4, 2014

COUNCILMEMBER SAMUEL -

ABSENT

COUNCILMEMBER PATE -

COMMENTED ON THE EMPLOYEES AND THE HARD WORK THAT THEY DO TO PROVIDE SERVICE TO THE CITIZENS, ON LAST WEEKEND THE GIRLS HAVEN HAD THEIR FUNDRAISER, AS WELL AS THE 239TH CELEBRATION OF THE MARINE CORP BIRTHDAY AT THE MARINE CORP BALL, LU HOMECOMING THIS WEEKEND, THE HOMECOMING PARADE WILL BE ON WEDNESDAY ON THE CAMPUS STARTING AT 11:00 A.M.

COUNCILMEMBER WRIGHT -

ASKED THAT EVERYONE GO OUT AND VOTE ENCOURAGED EVERYONE TO GO DURING THE EARLY VOTING PERIOD AND DON'T WAIT UNTIL ELECTION DAY

COUNCILMEMBER GETZ -

ENCOURAGED THE POLICE DEPARTMENT TO MONITOR THE GAME ROOMS VERY CLOSELY TO MAKE SURE THEY ARE IN COMPLIANCE WITH THE LAW, ANNOUNCED THE

ROCKTOBERFEST ROCKY HORROR PICTURE SHOW AT THE JEFFERSON THEATRE, THERE WILL BE BEER AND WINE THAT CAN BE TAKEN TO YOUR SEATS AS WELL AS A LIVE BAND

MAYOR PRO TEM COLEMAN -

ANNOUNCED THAT A NEW COALITION OF ABOUT 25 NON-PROFITS CALLED ENROLL SOUTHEAST TEXAS THE AFFORDABLE HEALTH CARE AND OPEN ENROLLMENT IS NOVEMBER 15, 2014 TO FEBRUARY 15, 2015 AND THIS GROUP HAS A GOAL TO ENROLL 10,000 SOUTHEAST TEXAN'S WHO ARE ELIGIBLE, THERE WILL BE PENALTIES ASSESSED ON YOUR TAXES IF YOU HAVEN'T GOTTEN ENROLLED, THERE WILL BE A FREE EVENT SPONSORED ON SATURDAY, NOVEMBER 15, 2014, FROM 8:00 AM TO 3:00 PM AT THE CENTRAL PARK COMMUNITY CENTER, CERTIFIED APPLICATION COUNCILORS WILL BE AVAILABLE TO HELP UNDERSTAND YOUR OPTIONS AND COMPARE PLANS, DETERMINE YOUR LEVEL OF FINANCIAL ASSISTANCE ELIGIBILITY AND ALSO APPLY FOR HEALTH CARE COVERAGE IF YOU SO CHOOSE, CITIZENS CAN ALSO CALL 866-683-3627 OR GETCOVEREDAMERICA.ORG

CITY ATTORNEY COOPER -

NONE

CITY MANAGER HAYES -

NONE

MAYOR AMES -

ANNOUNCED ROCKTOBERFEST, BRAVO, BY THE GIFT OF LIFE, ALSO MENTIONED THE EVENT HONORING STATE REPRESENTATIVE RITTER ON HIS RETIREMENT, BETTER BUSINESS BUAREAU HAD THEIR SENIOR CELEBRATION AND GIRLS HAVEN AND THE MARINE CORP BALL, CONGRATULATED PASTOR GRAVES OF MCCABE ROBERTS METHODIST CHURCH ON HIS 20TH ANNIVERSARY

Public Comments (Persons are limited to three minutes)

Mark W. Leger

307 Creekside Loop

Sour Lake TX

Spoke in regards to his father, Stanley Leger, and requested that the City's police department release all records from the investigation of his father's shooting that occurred in his death earlier this year

Judith Miller 320 Creekside Loop Sour Lake TX

Spoke on behalf of the Leger family and the loss of their father, wished the Police Department would give them the answers that they are searching for in their loved ones death

Allen Kirkpatrick 744 Napoleaon St. Baton Rouge LA

Spoke on behalf of the Leger family

Joe Costanza 501 Umbuth Deer Park TX

Spoke on behalf of the Leger family

Frances Maurer 7115 Click Dr. Beaumont TX

Spoke on behalf of the Leger family

Carly Crisp 3308 Oak Run Ln. Mansfield TX

Spoke on behalf of the Leger family

David White 1150 N. 11 St. Beaumont TX

Spoke on behalf of the Leger family

Mike Maurer 7115 Click Dr. Beaumont TX

Spoke on behalf of the Leger family

Steve Derbyshire 4297 Hob Warren Rd. Sour Lake TX

Spoke on behalf of the Leger family

Daniel Leger 335 Dixie Ln. Bridge City TX

Spoke on behalf of his family on the death of his farther

Elaine Leger 216 Trailwood Wake Village TX

Spoke on behalf of her father-in-law and the Leger family

Eileen Leger 307 Creekside Loop Sour Lake TX

Spoke on behalf of her father-in-law and the Leger family

Lavoyd King 1765 Limerick Dr. Vidor TX

Spoke on behalf of the Leger family

Michael Shilo 4463 Galveston Beaumont TX

Spoke on behalf of the Leger family

Jim Leger 216 Trailwood Wake Village TX

Spoke on behalf of his father and his family, requesting the police to share the report from the night his dad was shot so the family can know what happened to his father

Edith McBryde 3704 Travis Dr. Beaumont TX

Spoke on behalf of the Leger family

Norma Glawson 194 Trahan Rd. Lumberton TX

Spoke on behalf of the Leger family

Linwilder Hunter 3785 Scranton Beaumont TX

Spoke to Council in regards to Mr. Taft buying all of the vacant property in their neighborhood to extend the cemetery, stated that they are not wanting him to do this and would like the City to help them with this problem of a cemetery right across the street from their residential property

Landry Rountree 1565 S. Major Dr. Beaumont TX

Spoke on behalf of the Leger family, stated that he knows what they are going through, he has been dealing with the Police Department for some time, also commented on their constant harassment of him on his property

Bridgett Barnes 3920 Scranton Beaumont TX

Spoke to Council in regards to Mr. Taft buying the property in their neighborhood to extend the cemetery, stated that they are having problems getting out of their driveways when there are funerals during week and especially on Saturdays, calls have been made to Mr. Taft with no help from him, the citizens are requesting a privacy fence be

placed around the cemetery and some kind of drive way long enough to accommodate all vehicles so they can pull up in the cemetery or make roads inside the cemetery so the cars can pull inside as to not block their driveways and street in front of their homes

Erice Bender

2770 I H 10E

Beaumont TX

Spoke on behalf of the Leger family

Council recessed at 3:35 p.m.

EXECUTIVE SESSION

- * Consider matters related to contemplated or pending litigation in accordance with Section 551.071 of the Government Code:

Joseph W. White vs. City of Beaumont, Texas and Officer Chase Welch;
Case No. 1:14-cv-00082

Council reconvened at 3:51 p.m.

7. Consider a resolution authorizing the settlement of the lawsuit styled Joseph W. White vs. City of Beaumont, Texas and Officer Chase Welch; Case No. 1:14-cv-00082.

This matter was presented and discussed in Executive Session held on October 28, 2014. The City Attorney is requesting authority to settle this suit.

General Liability Fund.

Approval of resolution.

Councilmember Getz moved to **APPROVE A RESOLUTION THAT THE CITY ATTORNEY BE AND HE IS HEREBY, AUTHORIZED TO SETTLE THE LAWSUIT STYLED JOSEPH W. WHITE VS. CITY OF BEAUMONT, TEXAS AND OFFICER CHASE WELCH, CASE NO. 1:14-CV-00082, FOR THE SUM OF FIVE THOUSAND DOLLARS (\$5000).** Councilmember Smith seconded the motion.

AYES: MAYOR AMES, MAYOR PRO TEM COLEMAN, COUNCILMEMBERS GETZ, WRIGHT, PATE AND SMITH

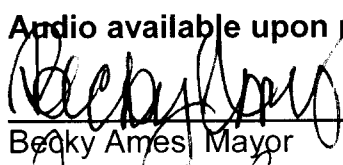
NAYS: NONE

MOTION PASSED

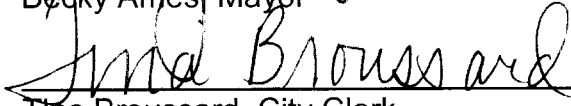
Resolution 14 - 236

With there being no other business to come before Council, the meeting adjourned at 3:52 p.m.

Audio available upon request in the City Clerk's Office.



Becky Ames, Mayor



Tina Broussard, City Clerk



ABSTENTION AFFIDAVIT

THE STATE OF TEXAS §
COUNTY OF JEFFERSON §

I, Michael Getz, as a member of the Beaumont (City Council, Commission, or Board) make this affidavit and hereby on oath state the following: I, and/or a person or persons related to me, have a substantial interest in a business entity that would be peculiarly affected by a vote or decision of the Beaumont (City Council, Commission, or Board) as those terms are defined in V.T.C.A., Local Government Code, § 171.002.

The business entity is: Jennifer Ford, CEO of Starpoint Educational
(Name) Enrichment Center, L.L.C.
4960 Washington Blvd.
(Address)

("I," or name of relative and relationship) Michael Getz have/has a substantial interest in this business entity for the following reasons: (check all of which are applicable.)

- _____ Ownership of 10 percent or more of the voting stock or shares of the business entity.
- _____ Ownership of either 10 percent or more or \$15,000 or more of the fair market value of the business entity.
- _____ Funds received from the business entity exceed 10 percent of (my, her, his) _____ gross income for the previous year.
- _____ Real property is involved, and (I, he, she) _____ have an interest which is an equitable or legal ownership with a fair market value of at least \$2,500.
- _____ A relative of mine, within the first or second degree by blood or marriage, has a substantial interest in the business entity or property that would be affected by a decision of the public body of which I am a member.

Upon filing of this affidavit with the City Clerk, I affirm that I will abstain from voting on any decision involving this business entity and from any further participation on this matter whatsoever.

Signed this the 12th day of November, 2014.

Michael Getz
Signature of Official

Councilmember Ward II
Title

BEFORE ME, the undersigned authority, on this day personally appeared Michael Getz and on oath stated that the facts hereinabove stated are true to the best of his/her knowledge or belief.

SWORN to and subscribed before me on this the 12th day of November, 2014.



Tina G. Broussard
Notary Public in and for the State of Texas

ABSTENTION AFFIDAVIT

THE STATE OF TEXAS §
COUNTY OF JEFFERSON §

I, Gethrel Wright, as a member of the Beaumont (City Council, Commission, or Board) make this affidavit and hereby on oath state the following: I, and/or a person or persons related to me, have a substantial interest in a business entity that would be peculiarly affected by a vote or decision of the Beaumont (City Council, Commission, or Board) as those terms are defined in V.T.C.A., Local Government Code, § 171.002.

The business entity is: Andy Phan, Gift Shop and Game Room
(Name)
3890 Highland Ave.
(Address)

("I," or name of relative and relationship) Gethrel Wright have/has a substantial interest in this business entity for the following reasons: (check all of which are applicable.)

- _____ Ownership of 10 percent or more of the voting stock or shares of the business entity.
- _____ Ownership of either 10 percent or more or \$15,000 or more of the fair market value of the business entity.
- _____ Funds received from the business entity exceed 10 percent of (my, her, his) _____ gross income for the previous year.
- _____ Real property is involved, and (I, he, she) _____ have an interest which is an equitable or legal ownership with a fair market value of at least \$2,500.
- _____ A relative of mine, within the first or second degree by blood or marriage, has a substantial interest in the business entity or property that would be affected by a decision of the public body of which I am a member.

Upon filing of this affidavit with the City Clerk, I affirm that I will abstain from voting on any decision involving this business entity and from any further participation on this matter whatsoever.

Signed this the 2nd day of December, 2014.

Gethrel Wright
Signature of Official

Councilmember-At-Large
Title

BEFORE ME, the undersigned authority, on this day personally appeared _____ and on oath stated that the facts hereinabove stated are true to the best of his/her knowledge or belief.

SWORN to and subscribed before me on this the 2nd day of December, 2014.

Tina G. Broussard
Notary Public in and for the State of Texas

